

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office **OCT 21 1985**

Returned to applicant for correction

Corrected application filed **OCT 21 1985** under 49459 Map filedThe applicant **Battle Mountain Gold Company**Post Office Box 1383 of **Houston**
Street and No. or P.O. Box No. City or Town**Texas (77251-1383)** hereby make.... application for permission to change the
State and Zip Code No.

Point of Diversion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under **a portion of Permit No. 44401**
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

Identify right in Decree.)

- The source of water is **P-4 Underground (Pit Dewater)**
Name of stream, lake, underground spring or other source.
- The amount of water to be changed **0.25 cfs**
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
- The water to be used for **Mining, Milling and Domestic**
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water heretofore permitted for **Mining, Milling and Domestic**
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water is to be diverted at the following point **SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T31N, R43E, MDM or at a**
Describe as being within a 40-acre subdivision of public survey and by course and
point from which the SE corner of said Section 21 bears, S 63° 45' 53" E a
distance to a section corner. If on unsurveyed land, it should be stated.
distance of 1,311.02 feet.
- The existing permitted point of diversion is located within **SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T30N, R43E, MDM or**
If point of diversion is not changed, do not answer.
at a point from which the SW corner of said Section 8 bears, S 36° 04' W a
distance of 50 feet.
- Proposed place of use **Sections 21, 22, 27, 28, 33 and 34, T31N, R43E, MDM and**
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
Sections 9 and 10, T30N, R43E, MDM.
- Existing place of use **Sections 21, 22, 27, 28, 33 and 34, T31N, R43E, MDM and**
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
Sections 9 and 10, T30N, R43E, MDM.
manner of use of irrigation permit, describe acreage to be removed from irrigation.
- Use will be from **January 1** to **December 31** of each year.
Month and Day Month and Day
- Use was permitted from **January 1** to **December 31** of each year.
Month and Day Month and Day
- Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) **Construct a sump to collect the water,**
State manner in which water is to be diverted, i.e. diversion structure, ditches,
install pump, motor, standby pipe and pipeline to place of use.
pipes and flumes, or drilled well, etc.
- Estimated cost of works **\$25,000**
- Estimated time required to construct works **One Year**

14. Estimated time required to complete the application of water to beneficial use Five Years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water developed pursuant to this application will be water developed in a mining operation. The mine pit will need to be dewatered to allow operations to continue. The total amount of water to be changed under 44401 is one hundred million gallons per annum. This is a combined total of this application and P-1, P-2 and P-3.

By s/ Richard W. Arden
950 Industrial Way
Sparks, Nevada (89431)

Compared js/se js/se

Protested 1/9/86 by Louis Venturacci
Pro. wdr. 3/5/86

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 44401 is issued subject to the terms and conditions imposed in said Permit 44401 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 11876 (Certificate 3503), 36870, 44401, 44402, 48410, 49459, 49460, 49461 and 49462 shall not exceed 825.65 million gallons annually.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies. The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not

to exceed 0.25 cubic feet per second, but not to exceed 58.98 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before November 12, 1987

Proof of completion of work shall be filed before December 12, 1987

Application of water to beneficial use shall be made on or before November 12, 1988

Proof of the application of water to beneficial use shall be filed on or before December 12, 1988

Map in support of proof of beneficial use shall be filed on or before _____

Completion of work filed _____ IN TESTIMONY WHEREOF, I PETER G. MORROS,
State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed _____ my office, this 29th day of October,

Cultural map filed _____

Certificate No. _____ Issued _____

A.D. 19 86

[Signature]
State Engineer

2407 (Rev. 6-81)

Abrogated By 55036 0.25